IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.877 OF 2003
IN
SUMMARY SUIT NO.2246 OF 2003

Ashok J.Jain & Anr. ....Plaintiffs

V/s.

C.D. Shah & Anr. ....Defendants

Ms.Kavita Shah i/b A.G. Shah for the Plaintiffs.

None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 7TH JUNE, 2005.

P.C. :

1. The facts in this matter are identical to the facts in Summons for Judgment No.1248 of 2003. By an order dated 19th January, 2005, the Summons for Judgment taken out being No.99 of 2004 was disposed of.

2. In the circumstances, the following order is passed :-

i). Defendant No.2 is granted unconditional leave

to defend the suit.

ii). The suit is transferred to the list of commercial causes as against Defendant No.2.

iii). Defendant No.2 to file his written statement within four weeks from today.

iv). Discovery and Inspection to be completed within six weeks thereafter.

3. The Summons for Judgment is made absolute with costs against Defendant No.1. However, the interest after the date of the suit shall be at the rate of 12% p.a.

4. The Summons for Judgment is accordingly disposed of.